IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4883 of 2005

Between:

M. Giri Babu, S/o. Late M. Hussain,
R/o. Mariamma Gudi Street, Renigunta, Chittoor District.

..... PETITIONER

AND

1. Govt of A.P., rep.by its Secretary,

   School Education, Secretarit, Hyd.
2. The District Educational Officer,

   Chittoor District, Chittoor.
3. The Manager, R.C.M. School of Kadapa Diocese,
   Kadapa.
4. The Correspondent, R.C.M. High School,

   Renigunta, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the respondents in placing the petitioner under suspension and continuing him under suspension and continuing him under suspension even after the enquiry is concluded as arbitrary, illegal and discriminatory and consequently set aside the suspension proceedings dt. 30.01.2005 of respondent No.4 and consider the petitioner on duty from 30.01.2005 and grant all the attendant benefits such as full pay and allowances and pass such other order or orders.

Counsel for the Petitioner: MR.C.M.R.VELU

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4883 of 2005

ORDER:

Challenging the proceedings dated 30-01-2005 issued by the 4th respondent in placing the petitioner under suspension, the present writ petition has been filed.

2 . During the course of arguments, Sri C.M.R.Velu, the learned counsel appearing for the petitioner brought to the notice of this Court that the Deputy Educational Officer was appointed as an Enquiry Officer to conduct the departmental enquiry against the petitioner and after conducting departmental enquiry, she submitted a report to the 2nd respondent-District Educational Officer on 30-01-2005 and as such based on the report submitted by the Enquiry Officer, an appropriate decision has to be taken by the disciplinary authority. Therefore, he beseeched the Court to give a direction to the 2nd respondent to pass appropriate orders.

3. Hence, without entering into the merits of the case, since the jurisdiction of the authority who issued impugned proceedings is not under challenge, I consider it appropriate to dispose of the writ petition with a direction.

4 . Accordingly, the writ petition is disposed of directing the 2nd respondent to take appropriate decision and pass necessary orders based on the report, if it was submitted already by the Deputy Educational Officer, within a period of two weeks from the date of receipt of a copy of this order. No costs.

March 11, 2005

Note:

Issue C.C. by 14-03-2005

B/o.

KVR

To

1. The Secretary, Govt of A.P.,

   School Education, Secretarit, Hyd.
2 The District Educational Officer,

   Chittoor District, Chittoor.
3 The Manager, R.C.M. School of Kadapa Diocese, Kadapa.
4 The Correspondent, R.C.M. High School,

   Renigunta, Chittoor District.

5. Two C.Cs to the GP for Higher Education, High Court of

   AP Buildings, Hyderabad.

6 2 C.D copies.